
No. 12-1398

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN PETROLEUM INSTITUTE, *et al.*,

Petitioners,

v.

U.S. SECURITIES AND EXCHANGE COMMISSION,

Respondent.

**NOTICE OF INTENT OF BETTER MARKETS, INC. TO
FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF RESPONDENT**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rules 26.1 and 29(b), Better Markets hereby states that:

1. Better Markets is a non-profit organization founded to promote the public interest in the financial markets. It advocates for greater transparency, accountability, and oversight in the financial system through a variety of activities, including comment on proposed rules, public advocacy, litigation, and independent research.

2. Better Markets has no parent corporation and there is no publicly held corporation that owns 10% or more of the stock of Better Markets.

NOTICE OF INTENT TO FILE *AMICUS* BRIEF

Pursuant to D.C. Circuit Rule 29(b), and the guidance set forth in Section IX(A)(4) of this Court's Handbook of Practice and Internal Procedure, Better Markets, Inc. ("Better Markets") hereby notifies the Court of its intent to file an *amicus curiae* brief in support of Respondents in the above-captioned appeal.

Better Markets further intends to contact counsel for the parties and intervenor to seek their consent for Better Markets to file an *amicus* brief, and will thereafter file either a representation of consent or a motion seeking leave of Court in accordance with D.C. Circuit Rule 29(b).

Finally, depending upon several factors, Better Markets may also seek the consent of the parties and intervenor, and the Court's leave as necessary, to file a separate brief subject to the normal page limit applicable to *amici* under Fed. R. Civ. P. 29(d) (7,000 words). Those factors include:

1. the Court's disposition of Oxfam America's Motion to Modify Briefing Order;
2. whether other *amici* file a notice of intent to participate in support of Respondent; and
3. the specific arguments set forth in the Respondent's brief.

Dated: December 17, 2012

Respectfully submitted,

/s/ Dennis M. Kelleher

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2012, I caused the foregoing “Notice of Intent to File *Amicus Curiae* Brief in Support of Respondent” to be electronically filed using the Court’s CM/ECF system, which served a copy of the document on all counsel of record in the case.

/s/ Dennis M. Kelleher

Dennis M. Kelleher